Filed 6/4/19 P. v. Corral CA2/4

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE, Plaintiff and Respondent, v. MARIA VICTORIA CORRAL, Defendant and Appellant.	B290421 (Los Angeles County Super. Ct. No. MA072587)

APPEAL from a judgment of the Superior Court of Los Angeles County, Kathleen Blanchard, Judge. Affirmed.

Lynette Gladd Moore, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Zee Rodriguez and Corey J. Robins, Deputy Attorneys General, for Plaintiff and Respondent.

Appellant Maria Corral pled no contest to receiving stolen property and identity theft with a prior. The trial court imposed a split sentence consisting of both custodial time and mandatory supervision. As a condition of the mandatory supervision portion of her sentence, the trial court ordered appellant to "not remain in any vehicle or at any location where any dangerous or deadly weapon is possessed, nor remain in the presence of any unlawfully armed person." Appellant contends that this condition is vague and overbroad because it lacks a knowledge requirement. Following *People v. Hall* (2017) 2 Cal.5th 494 (*Hall*) and *People v. Rhinehart* (2018) 20 Cal.App.5th 1123 (*Rhinehart*), we disagree and affirm.

BACKGROUND

An information filed on December 26, 2017 charged appellant and a codefendant with one count of felony receiving stolen property (Pen. Code, § 496, subd. (a)) and 19 counts of felony identity theft with a prior (*id.* § 530.5, subd. (c)(2)). It also alleged that appellant suffered four prison priors within the meaning of Penal Code section 667.5, subdivision (b).

Pursuant to a plea offer, appellant pled no contest to receiving stolen property and 12 counts of identity theft. She also admitted three priors. The prosecution dismissed the other counts and allegations. The agreed-upon sentence was a total of 14 years, to be served as "a split sentence 7 years in custody, and 7 years mandatory supervision." Specifically, the trial court sentenced appellant to the high term of three years in county jail for receiving stolen property, a consecutive term of 8 months (one-third the midterm) on each of the 12 identity theft counts, plus an additional year for each of the three prison priors. The trial court ordered appellant to "serve the first seven years of that

sentence in the county jail," and ordered her "released on mandatory supervision for the remaining 7 years of the sentence."

The trial court imposed numerous conditions on the term of mandatory supervision. As relevant here, the court ordered appellant "not to remain in any vehicle or at any location where any dangerous or deadly weapon is possessed, nor remain in the presence of any unlawfully armed person." Appellant did not object to this or any of the other conditions the court imposed.

Appellant timely appealed.

DISCUSSION

The sole issue on appeal is whether one of the conditions the trial court imposed on appellant's mandatory supervision—that she not "remain in any vehicle or at any location where any dangerous or deadly weapon is possessed, nor remain in the presence of any unlawfully armed person"—is vague and overbroad because it does not contain a scienter element. Appellant may raise this legal claim despite failing to object to the condition below. (See *In re Sheena K.* (2007) 40 Cal.4th 875, 888-889.) Our review of this constitutional challenge is de novo. (See *id.* at p. 888; see also *People v. Martinez* (2014) 226 Cal.App.4th 759, 765.) We apply the same law and analysis used in assessing the validity and reasonableness of parole and probation conditions. (*People v. Martinez, supra,* 226 Cal.App.4th at p. 763; see also *People v. Relkin* (2016) 6 Cal.App.5th 1188, 1194.)

A condition of mandatory supervision may be challenged as unconstitutionally vague or overbroad. (*In re E.O.* (2010) 188 Cal.App.4th 1149, 1153.) "Although the two objections are often mentioned in the same breath, they are conceptually quite

distinct. A restriction is unconstitutionally vague if it is not "'sufficiently precise for the probationer to know what is required of him, and for the court to determine whether the condition has been violated.'" [Citation.]" (*Ibid.*) "A restriction is unconstitutionally broad, on the other hand, if it (1) 'impinges on constitutional rights,' and (2) is not 'tailored carefully and reasonably related to the compelling state interest in reformation and rehabilitation.' [Citation.]" (*Ibid.*) Appellant brings both types of challenge here.

She argues that the condition is impermissibly vague because it does not allow her "to remain in places she does not necessarily know contain weapons, or to remain in the presence of people not known to her to be armed." It thus "does not specify which persons and places she must avoid" and "fails to give her advance warning of a potential violation." Appellant also argues that the condition is overbroad, because it burdens her fundamental freedom of association and right to travel without closely tailoring those limitations with a knowledge requirement. Appellant proposes that the condition be modified to prohibit her only from knowingly remaining in places containing dangerous or deadly weapons, or with people who are unlawfully armed.

Modification is not necessary under *Hall*, *supra*, 2 Cal.5th 494 and *Rhinehart*, *supra*, 20 Cal.App.5th 1123. In *Hall*, our Supreme Court held that conditions prohibiting possession of firearms and narcotics without an express knowledge requirement are not unconstitutionally vague because a knowledge requirement is implied by case law. (*Hall*, *supra*, 2 Cal.5th at p. 501-503.) *Rhinehart* concluded that the reasoning in *Hall* "applies with equal force to conditions prohibiting a

probationer from entering certain spaces." (*Rhinehart*, *supra*, 20 Cal.App.5th at p. 1128.)

Like the appellant in *Rhinehart*, appellant here argues that *Hall* is inapplicable "because that case involved conditions prohibiting possession of certain items, whereas [her] condition[s] prohibit[ ] entry into certain types of locations." (*Rhinehart*, *supra*, 20 Cal.App.5th at p. 1128.) She contends that *Hall* did not decide this issue and therefore is not authority for it, and points out that *Hall* did not expressly disapprove of cases like *In re Victor L.* (2010) 182 Cal.App.4th 902, which concluded that knowledge requirements are necessary to probation conditions like the one at issue here.

Supreme Court cases need not be on all fours to be analytically instructive. And here, the issue is fundamentally the same: "not what state of mind is required to sustain a violation of probation, but the extent to which that state of mind must be expressly articulated in the probation condition itself." (*Hall*, *supra*, 2 Cal.5th at p. 500.) We agree with *Rhinehart* that the distinction between the possession conditions in *Hall* and the location condition at issue here "is a distinction without a difference. Just as a probation condition can presume a probationer's knowledge that he possesses a restricted object (e.g., a firearm or a drug), it can also presume his knowledge that he entered a restricted space (e.g., a liquor store or bar)," or was in the presence of a person who was unlawfully armed. (*Rhinehart*, *supra*, 20 Cal.App.5th at p. 1128.)

DISPOSITION

The judgment of the trial court is affirmed.

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COLLINS, J.

We concur:

WILLHITE, ACTING P.J.

CURREY, J.